


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN A. MARTIN,)	
)	2:03-CV-00466-GEB-JFM
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
DALE HAMAD,)	
)	
Defendant.)	
_____)	

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On September 19, 2008, judgment was entered following a jury verdict in favor of defendant Hamad. Plaintiff filed a notice of appeal on October 8, 2008. On October 30, 2008, plaintiff filed a motion for the production of his jury trial transcripts at government expense, so he can use them in his appeal to the Ninth Circuit. Production of transcripts at government expense for an appellant proceeding in forma pauperis in a civil case is proper if a judge certifies that the appeal is not frivolous and presents a substantial question. 28 U.S.C. § 753(f). Because of the trial record, which includes the jury verdict, I will not issue a certification.

IT IS SO ORDERED.

Dated: January 20, 2009


GARLAND E. BURRELL, JR.
United States District Judge